

### **BELARUS: Tier 3**

The Government of Belarus does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Belarus remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including actively engaging in multilateral efforts to combat trafficking, and repealing a 2015 presidential decree that required unemployed persons to pay a tax to the state or face compulsory community service. However, the government maintained policies that actively compelled the forced labor of its citizens, including civil servants, students, part-time workers, and the unemployed, citizens suffering from drug or alcohol dependency, and, at times, critics of the government, among others. For the fifth consecutive year, authorities did not convict any traffickers under the trafficking statute.

### **RECOMMENDATIONS FOR BELARUS**

Reform state policies to end all forms of state-sponsored forced labor, including repealing presidential decrees and other laws that result in the unemployed, civil servants, students, and citizens suffering from drug or alcohol dependency, among others, being subjected to forced labor; amend the criminal code to remove the possibility of forced labor as a penalty for political dissent; significantly increase efforts to investigate and prosecute cases of forced labor and sex trafficking; amend article 181 to include exploiting children younger than 18 to engage in commercial sex as a trafficking crime, regardless of evidence of coercion, as prescribed by international law; increase resources devoted to trafficking victim assistance and protection within Belarus, including for state-owned territorial centers for social services and for NGOs; provide child sex trafficking victims with services specialized to their needs and refer all identified victims to care facilities; train all relevant officials on the national identification and referral mechanism; proactively screen all individuals in prostitution for indicators of trafficking; and increase labor inspections to identify internal forced labor.

### **PROSECUTION**

The government's law enforcement efforts remained weak. Article 181 of the criminal code criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties ranging from five to seven years imprisonment and forfeiture of assets, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, Article 181 required a demonstration

of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The government reported one sex trafficking investigation in 2017 under article 181, compared with one in 2016, one in 2015, one in 2014, and six in 2013. Authorities initiated one investigation under article 181-1, which criminalized the use of forced labor, compared with no cases in 2016 and one in 2015. The Main Department for Drug Control and Combating Trafficking in Human Beings led law enforcement efforts and reported 69 officers directly involved in combating and investigating trafficking and related offenses. The government did not convict any traffickers under article 181; the last conviction was in 2012. Authorities prosecuted three individuals for potential child sex trafficking offenses under other articles in the criminal code in 2017, compared with four individuals in 2016 and six in 2015. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The interior ministry's law enforcement academy continued to provide trafficking-specific training to Belarusian law enforcement and NGO officials.

## **PROTECTION**

The government maintained victim protection efforts. The government identified two confirmed and 129 potential trafficking victims during law enforcement investigations, compared with 184 confirmed and potential victims in 2016 and 121 in 2015. Of the 131 confirmed and potential victims the government identified in 2017, 127 victims, including 26 children, were sexually exploited. The government reported referring 60 victims to NGOs for reintegration services, compared with 55 in 2016 and 27 in 2015. NGOs reported law enforcement officials referred 134 victims to international organizations and NGOs for care, compared with 27 in 2015 and 32 in 2014; NGOs stated this increase was due to improved cooperation with law enforcement across the country. The government reported training police officers and diplomats on victim identification and referral procedures. According to a GRETA report, authorities did not identify some victims who had initially consented to perform a certain job or service in which they were later exploited; identification procedures did not specify the consent of victims was irrelevant when there was the presence of force, fraud, or coercion. The government reported screening individuals arrested for prostitution for trafficking indicators and exempting them from any legal liability; the government reported that of the 1,298 individuals convicted on prostitution charges in 2017, none were trafficking victims.

The government provided in-kind assistance to anti-trafficking NGOs in the form of facilities for seminars, conferences, and training; expedited approval of projects and grants; and tax-exempt status. The government did not provide financial support for NGOs. NGOs reported assisting 137 trafficking victims in 2017, 22 of whom were children, compared with 279 victims assisted in 2016. An international organization providing victim services experienced a six-month gap in anti-trafficking program funding due to a lapse of international donor funding, which resulted in fewer identifications. The government did not have trafficking-specific facilities available to care for victims, but local authorities operated 128 “crisis rooms” that offered temporary shelter, including beds, meals, and personal hygiene products to vulnerable adults, including victims of natural and manmade disasters, domestic violence, and human trafficking. In 2017, the Ministry of Labor and Social Welfare, which monitored “crisis rooms” operations, adopted a new regulation that allowed victims seeking immediate assistance to shelter at a “crisis room” without a form of identification. The hours of operation were expanded from weekdays only to 24-hours a day. The government reported that three trafficking victims used these facilities.

In previous years, observers reported most victims sought assistance at private shelters because the government’s centers were poorly equipped and lacked qualified caregivers. The education ministry maintained centers that could provide vulnerable children with shelter and basic provisions; however, similar to past years, no child trafficking victims had received services at these facilities, despite the government identifying child sex trafficking victims. The government reported providing medical care and information to 45 potential trafficking victims.

## **PREVENTION**

The government maintained efforts to prevent trafficking. The government conducted public awareness campaigns through television, radio, and print media, and provided in-kind assistance to anti-trafficking NGOs in the form of advertising hotlines, production assistance, and placement of awareness-raising materials on state-owned television, radio, and billboards. The interior ministry continued to operate a hotline for safe travel abroad to inform potential labor migrants and identify illegal recruitment practices; the hotline received 1,166 calls for consultations in 2017. The government did not investigate or file charges related to illegal recruitment in 2017, compared to 50 companies charged in 2016; forced labor regulations were seldom enforced, and resources and inspections dedicated to preventing forced and compulsory labor were minimal and inadequate to deter

violations. The government adopted the 2017-2019 State Program on Countering Crime and Corruption, which included anti-trafficking activities, in May 2017. The government reported efforts to reduce the demand for commercial sex.

## **TRAFFICKING PROFILE**

As reported over the past five years, Belarus is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Data collected by NGOs suggests the majority of trafficking victims are men subjected to labor exploitation, primarily in Russia. Belarusian victims are primarily subjected to trafficking in Russia and Belarus, as well as in Poland, Turkey, and other countries in Eurasia and the Middle East. Some Belarusian women traveling for foreign employment in the adult entertainment and hotel industries are subjected to sex trafficking. The government has identified Belarusian, Moldovan, Russian, Ukrainian, and Vietnamese victims exploited in Belarus.

State-sponsored forced labor continues to be an area of concern, and the UNHRC adopted a resolution in July 2015 expressing deep concern at the government's "violations of labor rights amounting to forced labor," among other human rights issues. In January 2018 the government rescinded Presidential Decree Number 3, the so-called "parasite tax," which required unemployed persons to pay a fee to the state or potentially face compulsory community service. Presidential Decree Number 1 was simultaneously adopted with the rescindment of Decree Number 3. According to media reports, the president described Decree Number 1 as intended to "help people find employment while forcing the unemployed who are unwilling to work into jobs." The new presidential decree will be fully enforced on January 1, 2019. In June 2016, the government repealed a 2012 decree preventing state workers in wood processing from leaving their jobs without employer approval and subjecting them to significant fines; failure to pay those fines placed employees at risk of having to work under law enforcement supervision. The ILO Committee of Experts reported a 2010 law allows for Belarusians suffering from alcoholism or drug dependencies to be "interned in 'medical labor centers' for a period of 12 to 18 months and have an obligation to work; refusing to work results in punishment, such as solitary confinement, for up to ten days." As of June 2015, an estimated 6,700 people were held at these centers. The government continued the practice of *subbotniks*, which requires employees of the government, state enterprises, and many private businesses to work on occasional Saturdays and donate their earnings to finance government projects. The UN Special Rapporteur on the situation of

human rights in Belarus reported repercussions for non-participation in *subbotniks*, including non-renewal of employment contracts and the revocation of monthly bonuses. State employers and authorities also intimidate and fine some workers who refused to participate. Authorities require university and high school students to help farmers during the harvesting season without paying them for their labors, in addition to other forced community service projects. Authorities reportedly force military conscripts to perform work unrelated to military service. Per a 2006 presidential decree, parents who have had their parental rights removed are subjected to compulsory labor, and the government retains 70 percent of their wages. The ILO Committee of Experts noted its deep concern in 2016 that some provisions of the Belarusian criminal code, which included forced labor as possible punishment, are worded broadly enough to lend themselves to application as a means of punishment for the expression of views opposed to the government. The ILO Committee of Experts cited reports that the government used or threatened to use arbitrary detention involving compulsory labor for apparently political motives.